

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:01CR40

UNITED STATES OF AMERICA)
)
)
VS.) **O R D E R**
)
)
GLEN ALLEN GRAVES)
WOODY ALEXANDER CARTER)

)

THIS MATTER is before the Court on receipt of the affidavits from Stuart M. Kelley, Special Agent with the Federal Bureau of Investigation, and Beth Mitchell, Financial Administrator for the United States District Court for the Western District of North Carolina, and for final ruling on the Government's motion to declare restitution paid and satisfied.

A review of these affidavits shows that restitution has been overpaid to First Citizens Bank in the amount of \$1,068.18. The Bank, having been furnished copies of the Court's Order and the aforementioned affidavits, has not filed any response indicating this amount to be incorrect. Therefore, the Court will require First Citizens to reimburse that amount to

this Court and such funds will be applied to the outstanding balance of Defendant Graves' court-appointed attorney fee.

IT IS, THEREFORE, ORDERED that the Government's motion to declare restitution paid and satisfied is **ALLOWED**, and such is hereby declared as **PAID IN FULL AND SATISFIED**.

IT IS FURTHER ORDERED that First Citizens Bank reimburse this Court in the amount of **ONE THOUSAND SIXTY-EIGHT DOLLARS AND EIGHTEEN CENTS (\$1,068.18)** by certified check made payable to the Clerk, U.S. District Court, Western District of North Carolina, and transmit such check to the Clerk at 204 Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, North Carolina, 28202, within 30 days from entry of this Order.

IT IS FURTHER ORDERED that upon receipt of the funds, the Clerk shall apply such monies to the outstanding balance for the court-appointed attorneys fees of the Defendant Graves.

The Clerk shall transmit this Order electronically to the United States Attorney, the United States Probation Office, and to the respective federal correctional facilities where the Defendants are currently incarcerated. The Clerk of Court shall also send copies of this Order by United States Mail to

the Defendants herein, Special Agent Stuart Kelley, Financial Administrator Beth Mitchell, and to First Citizens Bank, to the attention of Diane Edwards, Area Operations Manager, 108 Patton Avenue, Asheville, North Carolina, 28801.

Signed: May 23, 2006



Lacy H. Thornburg
United States District Judge

